

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BAIDA DAVISH,

Plaintiff,

vs

Case No: 05-72907  
Honorable Victoria A. Roberts

COMAU PICO, INC.,

Defendant.

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**ORDER**

The Plaintiff filed a Motion For Leave to Amend The Complaint to Add Parent Corporations as Party Defendants (Doc. #12). Plaintiff seeks to add Comau S.p.A., which Plaintiff alleges is the employer of Paolo Oliviero, Executive Director of Purchasing for that company. Plaintiff states that Mr. Oliviero controlled her work assignments and directed her work at Comau Pico. Plaintiff also alleges that Comau S.p.A. employed Stefano Ronchi as its Executive Vice President, and that he served in the dual capacity as supervisor of the Human Resource function at Defendant Comau Pico. Finally, Plaintiff alleges that Fiat S.p.A. is the parent corporation of both Comau Pico and Comau S.p.A., its wholly owned subsidiaries, and that Fiat S.p.A. controlled the activities of these two companies.

On February 21, 2006, the Court held a telephone conference on this motion. Attending were Darcie Brault representing the Plaintiff and Theresa Smith Lloyd representing the Defendant. Based on the discussion held and the papers filed---and over Ms. Smith Lloyd's objection -- Plaintiff's Motion to Amend is **GRANTED** with

respect to Plaintiff's claims under the Family Medical Leave Act and the Elliott-Larsen Civil Rights Act. To the extent that Plaintiff was required to exhaust administrative remedies before filing a Title VII action against these new defendants, Plaintiff's motion is **DENIED**. Plaintiff's Amended Complaint is to be filed by March 8, 2006.

Defendants are required to file a Statement of Disclosure of Corporate Affiliations and Financial Interest, pursuant to LR 83.4.

Also discussed during the telephone conference was Plaintiff's Motion to Compel Depositions (Doc. #11) of Messrs. Oliviero, Ronchi and Plawecki. To the extent that Mr. Plawecki at all relevant times served in the capacity of general counsel to Defendant Comau Pico, Plaintiff will not be allowed to take his deposition. Mr. Plawecki is to file an affidavit stating his attorney-client privilege. Second, with Comau S.p.A. added as a party, and Mr. Ronchi being its Executive Vice President, Defendant is required to produce him for deposition at a time and place specified by Plaintiff. The parties were unable to tell the Court whether Mr. Oliviero is an officer, director or managing agent for Comau S.p.A. If he does not fall within any of these categories, Plaintiff cannot compel his deposition to occur more than 100 miles from his place of business or residence. If he does fall into one of these categories, and after Comau S.p.A. is added as a Defendant, Mr. Oliviero would be required to appear for his deposition at a time and place specified by Plaintiff. Thus, this Motion to Compel is **GRANTED in PART and DENIED in PART**.

**IT IS SO ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: February 23, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on February 23, 2006.

s/Linda Vertriest  
Deputy Clerk